

AFFIDAVIT OF JOHN TREVOR HAMMONS

I, John Trevor Hammons, being first duly sworn, depose and say:

1. I am an Assistant Attorney General for the State of Oklahoma and I have been the Counsel of Record for the State of Oklahoma regarding the Sequoyah Fuels Corporation ("SFC") Site since October 2004.

2. SFC is a former Uranium Conversion Processing Facility. It is located at the confluence of the Illinois and Arkansas River in Gore, Oklahoma. SFC used to produce uranium hexafluoride to be enriched in the Nuclear Fuel cycle since the mid 1970's. SFC also began producing depleted uranium hexafluoride during the 1980's. In July 1993, by letter, SFC notified NRC that they had ceased producing uranium hexafluoride and depleted uranium hexafluoride. SFC began the process of decommissioning. The State of Oklahoma has been involved in the SFC site since its inception.

3. In 2002, NRC granted a reclassification of SFC's waste to "byproduct material" as defined in Section 11e.2 of the Atomic Energy Act of 1954. The State of Oklahoma and the Cherokee Nation challenged this reclassification and after exhausting the administrative process petitioned the 10th Circuit Court of Appeals. The parties were ordered into mediation and in December 2004, a settlement agreement was reached between the parties. During this time, numerous copies of the settlement agreement and comments there upon were exchanged between my office and the Oklahoma Department of Environmental Quality. The terms of the settlement agreement have not yet been fulfilled and will not be fulfilled for several years. By the very terms of the settlement agreement, it is still open and further litigation is possible.

4. SFC is still in the decommissioning process. In fact the NRC has just released a draft Environmental Impact Statement for the decommissioning of this plant for public comment. The State will be making comments on this document and litigation is again possible for each step of the decommissioning process.

Further Affiant Sayeth not.

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 19, 2007.


John Trevor Hammons

